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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 CHRISTIAN ERNEST BEYER,

16 Defendant.
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18

No. CR 5:23-cr-00226-SSS

GOVERNMENT'S OPPOSITION TO
DEFENDANT'S APPLICATION TO THE
CRIMINAL DUTY JUDGE FOR REVIEW OF
MAGISTRATE JUDGE'S BAIL ORDER [ECF
28]; GOVERNMENT'S OPPOSITION TO
DEFENDANT'S APPLICATION FOR
RECONSIDERATION OF BAIL [ECF 19]

19 Plaintiff United States of America, by and through its counsel
20 of record, the United States Attorney for the Central District of
21 California and Assistant United States Attorney Matt Coe-Odess,
22 opposes defendant's Application for Review of the Magistrate Judge's
23 Bail Order. (ECF 28.)

24 On March 12, 2024, defendant filed an application for
25 reconsideration of the Court's detention orders (ECF 19), the United
26 States filed its opposition (ECF 20), and on April 8, 2024, the
27 Honorable Magistrate Judge Rozella A. Oliver denied defendant's
28 application (ECF 26).

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18 Plaintiff United States of America, by and through its counsel
19 of record, the United States Attorney for the Central District of
20 California and Assistant United States Attorney Matt Coe-Odess,
21 hereby files its opposition to defendant's application for
22 reconsideration of bail. (Dkt. 19.)

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Respectfully submitted,

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MATT COE-ODESS
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

Defendant's application for reconsideration of bail purports to be based on two new facts or changes of circumstances: (1) placement options through the U.S. Department of Veteran's Affairs ("VA"), and (2) unspecified "new information regarding Mr. Beyer's mental health." (Dkt. 19.) However, neither of these alleged new developments has any bearing on whether detention is appropriate in this case, as defendant continues to pose a danger to society and remains at risk of non-appearance. Indeed, defendant poses an especially serious risk to his fellow veterans, as he is alleged to have intentionally threatened to kill active military personnel and their families. In addition to the seriousness of the instant allegations, defendant has a prior criminal history involving violence, including a history of domestic violence, as well as a history of substance abuse and mental health concerns. For these reasons, defendant's purported new facts do not materially affect the detention analysis. Defendant's request for pre-trial release on bond should be denied.

II. BACKGROUND**A. Instant Offense**

On October 30, 2023, defendant repeatedly threatened to kill specific individuals whom defendant personally knew. These individuals were military personnel whom defendant blamed for allegedly "forc[ing] [him] out" of the military. (Dkt. 1. at 3.) Defendant identified these individuals by name and threatened to "kill [their] whole fucking family if they stay there." (Dkt. 1 at

3.) Below is a non-exhaustive sample of some of defendant's threats, which he published on YouTube:

- "I will fucking come and hunt you . . . I'm coming for you. I'm gonna kill your whole fucking family if they stay there."
- "I'll kill you and your whole fucking family because they're part of your shit."
- "I'm going to come to Fort Irwin and kill you and everyone else in there at Fort Irwin"
- "You know I can fucking get there. I will come there with guns."

(Dkt. 1 at 3, 6-7.)

In addition to threatening to personally kill these individuals and their families, defendant also recruited or encouraged others to kill them and said, "Go kill them. All of them. It's fine. Don't worry about it. And if one of you wants to do it, go for it dude. Die a fucking hero." (Dkt. 1 at 6.)

B. Defendant's Criminal History

Defendant has a criminal history involving violence, including domestic violence. On April 26, 2021, defendant was convicted of assault by battery involving domestic violence. (Pretrial Services Report dated November 2, 2023 at 1-2.) On November 29, 2021, defendant was again convicted of assault by battery. (Id.)

C. Detention Proceedings

On November 20, 2023, the court held a detention hearing in this matter. Defendant requested that in lieu of detention, defendant be placed in the care of a facility through the Veteran's Administration. Pretrial services recommended detention because of concerns of risk of danger to the community and risk of

1 nonappearance. (Pretrial Services Report dated November 20, 2023 at
2 6-8.) Specifically, in concluding defendant was a danger to the
3 community, pretrial services cited the seriousness of the instant
4 allegations, defendant's prior criminal history involving violence,
5 including domestic violence, defendant's history of substance abuse,
6 and concerns over defendant's mental health. (Id. at 6.) In
7 concluding that defendant posed a flight risk, pretrial services
8 cited defendant's family ties outside of the United States (including
9 his ex-wife and children), his lack of ties to the Central District
10 of California, his unstable living situation, as well as the
11 aforementioned concerns over substance abuse and mental health. Id.
12 at 5.) The court ordered defendant detained for reasons similar to
13 those stated in the PTSR. (Dkt. 15.)

14 **III. ARGUMENT**

15 The Court should deny defendant's Application for
16 reconsideration of pretrial detention because defendant remains a
17 danger to others and poses a risk of non-appearance, and neither
18 concern is adequately mitigated by the alleged new facts.

19 **A. Legal Standard for Pretrial Detention and Reopening Hearing**

20 A defendant must be detained pending trial where "no condition
21 or combination of conditions will reasonably assure the appearance of
22 the person as required and the safety of any other person and the
23 community." 18 U.S.C. § 3142(e)(1). Detention is thus appropriate
24 where a defendant is either a danger to the community or a flight
25 risk. United States v. Motamedi, 767 F.2d 1403, 1406 (9th Cir.
26 1985).

27 Pursuant to 18 U.S.C. § 3142(f), a detention hearing may be
28 reopened "if the judicial officer finds that information exists that

1 was not known to the movant at the time of the hearing and that has a
2 material bearing on the issue whether there are conditions of release
3 that will reasonably assure the appearance of such person as required
4 and the safety of any other person and the community."

5 **B. Defendant's claimed "changed circumstances" do not reduce**
6 **the danger or risk of flight posed by defendant.**

- 7 1. Placement options through the Veteran's Administration
8 is not a new fact and does not mitigate the risk of
9 danger or flight.

10 During the detention hearing on November 20, 2024, counsel for
11 defendant specifically requested that defendant be placed in a
12 program through the VA. The government opposed this request and
13 noted that such a program would neither reduce the danger defendant
14 posed to society nor mitigate his risk of flight. The government
15 further argued that placing defendant under the care of the VA, when
16 defendant threatened to kill military personnel, was not a good
17 solution. The Court agreed and ordered detention. No new facts or
18 changed circumstances warrant reconsideration.

- 19 2. New information regarding defendant's mental health
20 cannot mitigate the risk of danger or flight.

21 It is unclear what defendant means by his claim that there is
22 "new information regarding [defendant's] mental health." Regardless,
23 no improvement in defendant's mental health can offset the danger he
24 poses to society and the risk of flight. To the extent defendant
25 intends to argue that his mental health has deteriorated such that he
26 needs assistance outside of the assistance available to him through
27 the Bureau of Prison, this does nothing to mitigate the concerns of
28 danger and risk of flight. If anything, this change exacerbates the
existing concerns.

1 **IV. CONCLUSION**

2 Defendant remains as great a danger to the community and as
3 serious a flight risk today as he did when he was ordered detained.
4 Defendant has not offered any new facts or changes of circumstances
5 that materially affect his danger or flight risk. As a result, there
6 continue to be no condition or combination of conditions that will
7 reasonably assure the safety of the community or defendant's
8 appearance. The government respectfully requests that defendant's
9 application for reconsideration of the order of detention be denied.